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Crime prevention and criminal justice

African Institute for the Prevention of Crime and the Treatment of Offenders

Report of the Secretary-General**

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** The footnote requested by the General Assembly in resolution 54/243 was not included in the submission.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 54/130 of 17 December 1999 and updates the report submitted to the Assembly at its fifty-fourth session. It focuses on the activities, operations and funding of the African Institute for the Prevention of Crime and the Treatment of Offenders, and includes proposals for enhancing the capacity of the Institute to implement its programmes and activities designed to strengthen national mechanisms for crime prevention and streamline criminal justice administration in Africa.

2. The widespread problem of crime, in both traditional and non-traditional forms and at both national and transnational levels, has been worsened by the rising level of civil disorder and insecurity fuelled by the proliferation of illicit small arms in the region and by continuing corruption. Such conditions have stifled social progress, paralysed the effective administration of criminal justice, and overstressed the capacity of individual countries to cope with the problem. It is therefore imperative to adopt effective strategies for crime prevention in Africa and to promote appropriate training and equipment for law enforcement agencies and the judiciary in African States. In view of the transnational nature of crime, regional and subregional cooperation in crime prevention is also required.

3. During 1999 and 2000, the Institute continued to receive political support from its member States, its Governing Board, the General Assembly and the Commission on Crime Prevention and Criminal Justice, as well as from the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000.

4. The financial situation of the Institute, however, remained precarious, constraining its capacity to deliver effective and comprehensive services to African countries. The Institute therefore stepped up its efforts to play a strategic role in crime prevention and control in African countries. It also sought to mobilize its member States to pay their assessed financial contributions, with hardly any noticeable success.

II. Programme activities

A. Governing Board

5. The sixth ordinary session of the Governing Board of the Institute was held in Kampala on 29 and 30 May 2000. The Governing Board noted the grave financial situation of the Institute and approved the proposed programme of work including concrete measures to address that situation. The Institute was directed to adopt innovative and attractive programmes designed as a package to enhance their market appeal. Uganda was re-elected to the chairmanship of the Governing Board.

B. General direction and management

6. Since its inception, the Institute has enhanced its capacity to coordinate activities, to initiate collaborative action and to foster regional cooperation in the fight against crime. In that context, it has continued the implementation of three major activities launched in 1998, involving extradition and mutual legal assistance in Africa, firearms trafficking in Africa and a study of the impact of crime on development in southern Africa.

7. Pursuant to a decision of the Governing Board at its sixth ordinary session, the Director of the Institute began to examine a broad range of concrete innovative measures designed to establish contact and promote cooperation with entities of the United Nations system, including the World Bank, and other agencies and bodies in the private sector, in an effort to mobilize support. The Director has also continued to develop project proposals relating to key issues in crime prevention and criminal justice, in accordance with recommendations made by the Tenth Congress, with a view to submitting the proposals to potential donor agencies and Governments.

8. During the reporting period, the Institute operated on a very limited budget. It continued to conduct substantive work and to administer its staff, funds and other resources in conformity with the Statute and the Staff and Financial Rules and Regulations of the Institute. The activities that received funding were implemented on time, the primary concern being to

make optimum use of the available resources to ensure that the services offered were of benefit to the large body of African States. The Institute is indebted to the General Assembly for approving an increased grant to cover the salaries of the Director, Deputy Director and Administrative/Finance Officer and to enable the three core professional posts that had been frozen to be reinstated during the biennium 2000-2001. The reinstatement of those posts and the recruitment of the required professional staff will greatly enhance the operational capacity of the Institute. The process of recruitment has been initiated with that end in view.

9. Close collaboration with the Government of the host country continued to be stressed. In addition to the provision of host facilities for the Institute, the Government of Uganda has endeavoured to build up political support for the cause of the Institute in various international forums, and played a crucial role in encouraging those African States that have not yet acceded to the Statute of the Institute to become member States as soon as possible.

C. Crime prevention and criminal justice activities

10. The failure of member States to pay their annual contributions continued to undermine the ability of the Institute to implement its programme of activities. In reviewing the programme of work for the biennium 2000-2001, the Governing Board noted with concern that the weak financial situation of the Institute continued to hamper its efforts to address the challenges posed by the rapid pace of social change in Africa.

1. Extradition and mutual legal assistance in Africa

11. The final activity of the project on extradition and mutual legal assistance in Africa, undertaken as part of the continuing technical cooperation and partnership of the Institute with the Department of Justice and the Department of State of the United States of America, was implemented. It involved the organization, in cooperation with the Government of Egypt, of a conference of African States, held in Cairo in November 1999, to consider and approve the draft African Convention on Extradition and the draft African Convention on Mutual Legal Assistance, and to recommend them for adoption to the Organization of African Unity (OAU). The two draft conventions were submitted for consideration to the Council of Ministers of OAU at its seventy-second session, held in Lomé in July 2000. The final adoption of the conventions by OAU will constitute a significant breakthrough for regional cooperation in combating crime in its transnational dimensions.

2. Trafficking in firearms and ammunition in Africa

12. The project on trafficking in firearms and ammunition in Africa has also been undertaken as part of the continuing technical cooperation and partnership of the Institute with the United States Department of Justice and Department of State. Under the first phase of the project, the Meeting of African Experts on Trafficking in Firearms was held in January 2000. In the second phase of the project, currently under way, the data on the regulation and control of firearms are being collected, with the participation of all African Governments.

13. In the third phase of the project, to be carried out in late 2000, an African Firearms Centre will be created at the Institute as a regional focal point and a regional workshop attended by government representatives will be held.

14. The Institute, in cooperation with other concerned agencies, is developing a programme of action to counter the proliferation of illicit small arms in Africa, a problem viewed largely in relation to crime and criminal justice issues. In that context, the Institute is playing a key role in organizing meetings and seminars involving government officials, civil society organizations and concerned international agencies. Two important meetings have been held, one in Kampala in January/February 2000, hosted by the Institute, and another in Dar es Salaam, United Republic of Tanzania, in July 2000.

15. Staff members of the Institute participated as resource persons in the Great Lakes Region and the Horn of Africa Conference on the Proliferation of Small Arms and Light Weapons, held in Nairobi from 12 to 15 March 2000. The Conference, which was attended by the Ministers for Foreign Affairs of Burundi, the Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Uganda and the United Republic of Tanzania, issued the Nairobi Declaration on the Problem of the

Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa.

16. The Institute participated in the International Consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons, held in Addis Ababa in June 2000. The consultation reviewed the report of African experts on small arms and light weapons prepared for the African Ministerial Meeting on Small Arms, to be held in Bamako in September 2000.

3. Corruption

17. The Governing Board called on the Director of the Institute to give high priority to the fight against corruption, to make a concrete project proposal to that end and to mobilize the necessary financial support from donor agencies, including the non-traditional ones, for its implementation.

4. Penal reform

18. The Institute continued its action-oriented studies on penal reform. In cooperation with the Government of Uganda, it organized a consultation meeting on the rights of prisoners that was attended by participants from South Africa, Uganda, the United Republic of Tanzania and Zimbabwe. It continued to assist the Government of Uganda in establishing community service as an alternative to imprisonment for certain categories of convicted offenders. At the same time, it sought to heighten awareness among African Governments of innovative approaches to crime prevention. Importantly, the Institute received from some African States a positive response to its initiative to develop training modules for criminal justice personnel.

5. Juvenile justice

19. The Institute continued to develop strategies to assist African Governments in the implementation of United Nations standards and norms relating to juvenile justice, and urged African States that have not yet done so to ratify the Convention on the Rights of the Child (General Assembly resolution 44/25, annex). In cooperation with Defence of Children International, the Institute finalized preparations for the Training and Strategy Development Seminar on the Administration of Juvenile Justice, to be held in Kampala in October 2000.

6. Victimization study

20. The crime victimization survey continued to be implemented in cooperation with the University of South Africa. The survey report on Lesotho was completed and published, and that on Swaziland is being finalized.

7. Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

21. The Institute and many African states were represented at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth Congress, provides far-reaching strategies to guide the United Nations Crime Prevention and Criminal Justice Programme in the new century. The Institute will ensure that its programme strategies and activities are in line with those established at the international level. The demonstration workshops held at the Tenth Congress provided insight into best practices and measures designed to address a number of problems in the field. The Tenth Congress also enabled the Institute to forge new contacts and consolidate those already established.

8. Other activities

22. The Institute participated in a number of regional, subregional and international meetings and seminars organized in different parts of the world. Such participation was used to establish new contacts and enhance awareness of the Institute and its mission and functions, as well as to explore funding opportunities.

23. Staff members of the Institute participated as resource persons in locally organized seminars and workshops on crime and justice, and provided technical assistance and support to local initiatives in crime prevention, countering drug trafficking and abuse and promoting observance of human rights.

III. International cooperation and partnership

24. The Institute cooperated closely with the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat,

and strengthened its ties with the other entities of the United Nations Crime Prevention and Criminal Justice Programme network. Through its participation in such events as the fourteenth annual coordination meeting of the network, and in other activities organized and sponsored by entities of the network, the Institute greatly enhances its capacity to mobilize the necessary international support.

25. The Institute welcomes the expanding scope of activities of certain entities of the United Nations system in the fields of good governance, human rights, juvenile justice, conflict resolution, corruption, transparency and accountability. The Institute has intensified its efforts to promote partnerships with, and enlist the support of, concerned agencies in implementing its programmes and activities on the basis of rigorously devised and attractively packaged projects that are of direct relevance to the activities of those agencies and that will be submitted to them for consideration and possible funding.

26. The Institute continues to give high priority to its cooperation with the Economic Commission for Africa (ECA). The active support, assistance and guidance of ECA are critical to the continued existence of the Institute.

IV. Funding and support

27. The Board of Auditors audited the accounts of the Institute for the years 1996-1998, and in each case provided a clean audit certificate. In addition, the Governing Board noted the financial management statement for 1999.

28. The total resources of the Institute for the period 1999-2000 amounted to 423,689 United States dollars ($). The funds were derived from: (a) assessed contributions from member States ($46,043); (b) the 1999 portion of the United Nations grant ($116,757); (c) grants for specific projects ($206,239); and (d) other income received from the rental of parts of the premises and facilities of the Institute and interest on deposits ($54,650).

A. Assessed financial contributions of member States

29. Burkina Faso, Mozambique and Tunisia paid their assessed contributions for the period 1999-2000, which amounted to $46,043. The outstanding balance in assessed financial contributions of member States is immense. As of 30 June 2000, out of total assessed contributions of $2,807,416 for the period from 1989 to 2000, only $337,675 had been received, leaving an outstanding balance of $2,469,741. Contributions have so far been received from 15 member States, while 13 member States have never made any contribution to the Institute.

B. United Nations

30. The United Nations grant to the Institute, which has continued since the biennium 1992-1993, provides a critical and reliable basis for the existence of the Institute. The 1999 portion of the grant, amounting to $116,757, covered the salaries of the Director and Deputy Director of the Institute and other administrative expenses during 1999. The General Assembly, at its fifty-fourth session, increased the grant to $380,600 to cover additional costs for three core professional posts of the Institute, namely the Training Advisor, the Research Advisor and the Information and Documentation Advisor, during the biennium 2000-2001.

C. Grants for funded projects

31. The Institute received additional funding for the period 1998-1999 amounting to $240,000 to complete the second phase of the extradition project, carried out from October to November 1999. A new project on trafficking in firearms in Africa is being executed with the financial assistance of the Government of the United States. Funds amounting to $280,000 were received in December 1999 to start the first phase of the survey and to hold a meeting of experts.

D. Other sources of income

32. The Institute continued to rent its unused premises in order to generate income to be used, in particular, to offset administrative expenses. That activity generated income amounting to $54,650.

V. Strategies to sustain the Institute

33. The Institute has constantly laboured under the constraints imposed by a shortage of capacity. If the Institute is to become a viable mechanism in the service of African countries, competently and efficiently playing its role in the fight against crime, its capacity will have to be strengthened by endowing it with the required resources. While the negative impact of crime on national development efforts is generally recognized by Governments and international organizations, African States and development agencies have yet to be convinced of the vital importance of ensuring sufficient levels of investment in crime prevention.

34. In many African countries, the fight against crime and the implementation of development strategies and measures are understandably viewed as parallel but unequal priorities. The challenge is therefore to show all those involved in policy planning and execution how to blend innovative crime prevention strategies into development programmes.

35. In view of the foregoing, the Governing Board, at its sixth session, took a series of important decisions, the implementation of which will greatly enhance the capabilities of the Institute. The decisions call for the following: (a) pursuing a coherent strategy, based on effective presentation of the programme of activities of the Institute, to enlist the support of member States and agencies; (b) adopting innovative and attractive programmes to meet the needs of the private sector; and (c) highlighting the role of the Institute in mitigating the negative impact of crime on economic development. In addition, the Institute was requested to intensify its cooperation with international agencies, including institutions such as the World Bank, as well as with the private sector, and to explore the provision of services in new fields, for instance, in post-conflict situations involving the resettlement of demobilized soldiers.

36. Since a rigorous evaluation of the Institute has never been carried out since it became operational in 1990, the Director was requested to undertake as a matter of urgency, before the next session of the Board, a comprehensive evaluation of the Institute to serve as the basis for a realistic review of its mission, functions, funding and support and methods of work.

37. The foregoing proposals are intended to supplement the actions requested by the General Assembly in its resolution 54/130 of 17 December 1999.